

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Huntington Division**

CASIE JO MCGEE and SARAH ELIZABETH
ADKINS, et al.,

Plaintiffs,

v.

Civil Action No. 3:13-cv-24068
Hon. Robert Chambers

KAREN S. COLE, in her official capacity as
CABELL COUNTY CLERK, et al.

Defendants.

And

STATE OF WEST VIRGINIA,

Defendant-Intervenor.

AFFIDAVIT OF JOHN H. TINNEY, JR.

John H. Tinney, Jr., personally appearing before the undersigned officer duly authorized to administer oaths, does hereby depose and say as follows:

1. My name is John H. Tinney, Jr. I am a resident of Charleston, Kanawha County, West Virginia and member in good standing of the West Virginia State Bar. I am legally competent to make this affidavit and have personal knowledge of the facts set forth herein. I am a founding Member of The Tinney Law Firm, PLLC.

2. Education, Experience and Qualifications

A. Education: I received my undergraduate degree in 1992, *cum laude*, from Washington & Lee University. I attended Wake Forest University School of Law, where I received

my *Juris Doctorate* in 1995. I have consistently met my continuing legal education requirements since my admission to the West Virginia State Bar in 1995.

B. Previous Employment: I was initially employed as an associate attorney with the Charleston based law firm of Spilman, Thomas and Battle. After working in private practice for approximately three years, I was employed as the law clerk for the Hon. Robert B. King on the United States Circuit Court of Appeals for the Fourth Circuit. Following my clerkship, I worked as an Assistant United States Attorney in the Southern District of West Virginia.

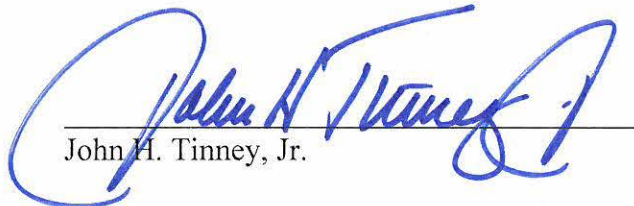
C. Current Employment: I am a founding and current member of The Tinney Law Firm, PLLC. During my tenure as a Member, I have represented a diverse array of clients in matters in federal and state court, including several constitutional challenges to state law provisions.

3. Hourly Rate: I am requesting an hourly rate of \$300 per hour for the time I have spent on this matter. I believe this rate to be reasonable and in line or below the current market rate for an attorney with my experience and qualifications. The lower rates requested for additional attorneys and paralegals in this firm who performed work on this matter are also reasonable and in line or below the market rates given their individual experience and education.

4. Hours and Expenses: The document attached to this fee petition is a true and correct compilation of the contemporaneously made time records I and other attorneys and paralegals in this firm have maintained for services performed in this case. The firm's time records have been edited and reduced where such entries appeared excessive, redundant or inefficient and reflect a reduction in the actual time spent and the tasks performed. It is my opinion that the amounts of billable time and expenses described represent a reasonable use of attorney and paralegal time, in

light of the issues presented in this case, the factual posture of the matter and the results achieved by the plaintiffs.

FURTHER THE AFFIANT SAITH NOT


John H. Tinney, Jr.

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO WIT:

I, Nodgie P. Kennedy, a Notary Public of said county, do hereby certify that John H. Tinney, Jr., whose name is signed to the writing herein, has this day acknowledged the same before me in my said county.

Given under my hand and notarial seal this 2nd day of December, 2014.

My commission expires: 9/9/18.


NOTARY PUBLIC

[SEAL]

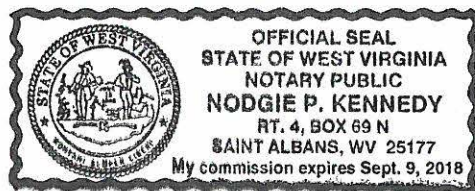


EXHIBIT 1

The TINNEY LAW FIRM PLLC

222 Capitol Street
Suite 500
Charleston, WV 25301
304/720-3310 (phone)
304/720-3315 (fax)
FEIN # 55-0785857

October 31, 2013

INVOICE SUBMITTED TO:

Jon Davidson, Esq.
Lambda Legal
3325 Wilshire Blvd., Suite 1300
Los Angeles, CA 90010-1729

RE: ***Constitutional challenge to West Virginia same sex marriage ban***

INVOICE #: 22711

PROFESSIONAL SERVICES

		<u>Hrs/Rate</u>	<u>Amount</u>
9/26/2013	JHTJR Confer with B. Littrell; Review various documents forwarded by Lambda.	2.00 300.00/hr	600.00
	HDFK Research re: due diligence.	0.30 225.00/hr	67.50
9/27/2013	JKT Examine complaint; Research history of legal challenges in West Virginia related to same sex marriage issues; Examine engagement letter, etc.	3.00 240.00/hr	720.00
	JHTJR Work on review of complaint and retention agreements and co-counsel agreements; Work on review of NJ decision issued today; Telephone conference with legal team.	3.00 300.00/hr	900.00
	HDFK Telephone conference with Glasser, Brown re: background; Review and analysis of draft complaint; Email messages with client re: pro hac vice, logistics; Obtain pro hac vice checks from Bailey & Glasser; Revise complaint; Analysis of pro hac vice paperwork; Research	3.50 225.00/hr	787.50

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		<u>Hrs/Rate</u>	<u>Amount</u>
	service issue re: clerk/commission; Telephone conference with team.		
9/27/2013 NPK	Analyze email string with co-counsel re: filing of complaint and pro hac vice admission information; Analyze, convert, and revise draft complaint to Firm's system; Draft civil case information statement and summonses; Draft Statement(s) of Visiting Attorney(s) for co-counsel Taylor and Litrell; Analyze response and instruction re: admission of 7 attorneys pro hac vice; Draft statements as to each attorney; Receive attorney signature pages via email; Confer with attorneys re: filing and litigation strategy; Analyze email messages with co-counsel re: same.	2.60 100.00/hr	260.00
9/30/2013 JKT	Examine constitutional challenge complaint; Research re: similar issues and cases.	2.20 240.00/hr	528.00
JHTJR	Confer with press officer and other members of legal team re: filing of complaint.	1.00 300.00/hr	300.00
HDFK	Telephone conference with Jon Adams; Prepare for filings.	3.70 225.00/hr	832.50
JKC	Discuss complaint with Heather Foster Kittredge; Review Complaint.	0.40 205.00/hr	82.00
NPK	Confer with attorneys re: plan of action; Produce and document final retainer agreements for execution by plaintiffs; Revise Statement(s) of Visiting Attorneys and Designation of Local Counsel forms; Attend to check requests for West Virginia State Bar and USDC Court Clerk in connection with pro hac vice; Draft letter to West Virginia State Bar transmitting attorney Statement(s) and pro hac vice fee; Revise Civil Case Information Sheet and Summonses to final; Attend to new case file, forms and information; Telephone call with USDC Clerk re: details of filing and issuance of summons.	2.60 100.00/hr	260.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/1/2013	JHTJR Travel to and from Huntington, West Virginia for press conference; Finalize filing of complaint; Participate in press conference; Finalize representation agreements; Review various news articles.	4.00 300.00/hr	1,200.00
	JKT Examine complaint; Examine news coverage and internet coverage; Discuss case with counsel.	2.50 240.00/hr	600.00
	HDFK Roundtrip travel to and from Huntington, West Virginia for press conference; Hand-deliver pro hac vice paperwork.	4.00 225.00/hr	900.00
	NPK File Civil Case Information Sheet, Complaint, Summons and filing fee payment information via CM/ECF; Telephone calls to and from Court Clerk re: filings and CM/ECF issues; Forward filings to various Court IT personnel; Telephone call confirming filing and issuing case docket number; Receive and review Court executed Summons; Prepare service copies; File Statement of Visiting Attorney form and filing fee payment information for each attorney Smith, Platzer, McCotter, Loewy, Littrell, Harrison, and Taylor via Court's CM/ECF; Receive and review Standing Order referring Discovery Matters to Magistrate Judge; Draft letter to West Virginia State Bar transmitting fee and as-filed Visiting Attorney Statement forms.	4.20 100.00/hr	420.00
10/2/2013	JHTJR Confer with various members of trial team re: service of process and other administrative matters.	2.00 300.00/hr	600.00
	JKT Research re: other state's same sex marriage challenges; Examine press coverage; Discuss with counsel re: path forward; Discussion of rules on notice to Attorney General and research re: same.	2.70 240.00/hr	648.00
	HDFK Telephone conference with Karen L; Analysis of 5.1 notice of constitutional question; Telephone conference with process server; Email messages with defense team.	0.70 225.00/hr	157.50

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/2/2013	NPK Analyze information relative to Cabell County process server; Place call and leave message; Draft letter for John H. Tinney, Jr. to Paul Smith, Jenner & Block, transmitting executed Co-Counsel Agreement; Draft letter for John H. Tinney, Jr. to Lindsay Harrison, Jenner & Block, transmitting plaintiff's Retainer Agreement executed by each plaintiff and The Tinney Law Firm, PLLC; Travel to Kanawha County Clerk's office as process server of Summons and Complaint on Defendant McCormick; Prepare proof of service and Certificate of Service; File service documents via Court's CM/ECF; Prepare follow-up tasks as to Answer.	2.30 100.00/hr	230.00
10/3/2013	JHTJR Work on various administrative issues, including service of Cabell County Clerk.	1.50 300.00/hr	450.00
	HDFK Research notice provision; Revise notice.	1.50 225.00/hr	337.50
	NPK Attend to issue with process service in Cabell County; Receive and review Court's notice of visiting attorneys re: CM/ECF filing and email notification; Confer with attorney re: notice of suit to Attorney General's office.	0.80 100.00/hr	80.00
10/4/2013	JHTJR Work on notice of constitutional challenge and service on West Virginia Attorney General; Confer with counsel re: service and path forward; Review various news articles re: filing.	1.50 300.00/hr	450.00
	HDFK Revise notice; Gather media coverage; Work out administrative issues such as billing and service.	1.20 225.00/hr	270.00
	NPK Analyze West Virginia Attorney General's website in connection with service of notice; Telephone calls to Attorney General's office; Revise Notice of Constitutional Question to final; Prepare Certificate of Service and exhibit; Transmit to co-counsel for review and approval; Telephone call with Court Clerk re: service by US Marsha; Confer with Heather Foster Kittredge; Analyze email transmittal to proposed process server; File Notice of	3.00 100.00/hr	300.00

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			<u>Hrs/Rate</u>	<u>Amount</u>
		Constitutional Question via CM/ECF; Copy all counsel via email and prepare service copies via certified mail.		
10/5/2013	JHTJR	Review news articles re: same sex marriage in West Virginia.	0.30 300.00/hr	90.00
10/7/2013	JHTJR	Confer with counsel re: service issues to Huntington Clerk's office.	0.30 300.00/hr	90.00
	HDFK	Email message to Proctor re: service information.	0.10 225.00/hr	22.50
	NPK	Analyze status of service on Cabell County Clerk and co-counsel's questions on verified amended complaint.	0.20 100.00/hr	20.00
10/8/2013	JHTJR	Confer with Heather Foster Kittredge and national counsel re: path forward and briefing schedules; Work on finalizing service.	1.00 300.00/hr	300.00
	HDFK	Work on service; Research verified complaint.	1.80 225.00/hr	405.00
	NPK	Confer with Heather Foster Kittredge and transmit complaint package for process service with information and instruction via email; Receive and review executed Proof of Service; Prepare Certificate of Service and file via Court's CM/ECF system; Prepare follow-up task as to Answer.	0.90 100.00/hr	90.00
10/9/2013	JHTJR	Confer with national counsel and Heather Foster Kittredge.	1.10 300.00/hr	330.00
	HDFK	Analysis of VA Motion for Summary Judgment; Strategy; Telephone conference.	0.90 225.00/hr	202.50
	NPK	Receive and review Court's notice re: Certification of Constitutional Question; Transmit to co-counsel via email; Attend to case management and organization; Analyze	1.10 100.00/hr	110.00

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			<u>Hrs/Rate</u>	<u>Amount</u>
		email message from attorney Taylor transmitting Motion for Summary Judgment used in similar Virginia litigation.		
10/10/2013	JKT	Examine certification; Examine coverage; Research re: Attorney General intervention and procedure.	1.80 240.00/hr	432.00
	NPK	Analyze email string with sample Motion for Summary Judgment and Memo in Support as filed in VA USDC.	0.30 100.00/hr	30.00
10/11/2013	JHTJR	Work on draft of memo for oversized brief.	1.00 300.00/hr	300.00
	NPK	Analyze email string with co-counsel re: motions practice and timing; Review proposed motion to exceed page limitations.	0.20 100.00/hr	20.00
10/16/2013	JHTJR	Review various news articles re: West Virginia lawsuit and progress in other states.	1.00 300.00/hr	300.00
	NPK	Review executed Co-Counseling Agreement.	0.20 100.00/hr	20.00
10/18/2013	JHTJR	Review voicemail message from counsel and confer with counsel re: response.	0.50 300.00/hr	150.00
	HDFK	Analysis and strategy re: defense counsel request for extension to respond.	0.50 225.00/hr	112.50
	NPK	Analyze email string re: counsel for defendant, defendant's request for extension of time to answer, implications and strategy.	0.60 100.00/hr	60.00
10/21/2013	JHTJR	Confer with counsel multiple times re: requests for extension; Review motion by McCormick to extend deadlines.	1.40 300.00/hr	420.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/21/2013	NPK Analyze email strings with co-counsel re: requested extension, counsel for Cabell County Clerk and litigation strategy; Analyze email string with opposing counsel re: extension and plan of action.	0.40 100.00/hr	40.00
10/22/2013	JHTJR Work on drafting response to motion; Review Order.	1.30 300.00/hr	390.00
	HDFK Email messages with defense team; Analysis of Motion for Extension; Telephone conference with Chambers' clerk advising there will be a response; Analysis of rules in preparation for filing response; Analysis of case law; Revisions to circulation of draft of opposition to Motion to Extend.	3.30 225.00/hr	742.50
	NPK Review Defendant McCormick's Motion to Extend Time Frame to File a Responsive Pleading; Review Memorandum of Law in Support of Defendant McCormick's motion; Review Order Suspending Defendant McCormick's Responsive Pleading Deadline; Review Motion for Expedited Ruling on Defendant McCormick's Motion; Analyze email string with co-counsel re: strategy and response; Conduct computer search relating to opposition to motion for extension per Heather Foster Kittredge; Analyze press re: case and document same to file; Assist with preparation of opposition to McCormick's motion to extend time frame; Revise Certificate of Service to reflect opposing counsel's service by CM/ECF and by U.S. Mail; File Opposition; Confer with Heather Foster Kittredge and Lambda Legal paralegal re: plaintiff updates.	2.10 100.00/hr	210.00
10/23/2013	JHTJR Review reply brief by McCormick; Review Memorandum Opinion and Order.	0.70 300.00/hr	210.00
	HDFK Analysis of Reply to Response to Motion to Extend.	0.20 225.00/hr	45.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/23/2013	NPK Review Defendant McCormick's Memorandum in Reply to Opposition of Plaintiffs to Defendant McCormick's Motion to Extend Time Frame to File Responsive Pleading; Analyze local press in connection with case; Analyze email string with co-counsel re: response to local reporter and response by public relations; Review Court's Memorandum Opinion and Order granting Defendant McCormick's motion for extension and providing same extension to Defendant Cole without the request.	0.90 100.00/hr	90.00
10/24/2013	JHTJR Review notice of appearance for Cole.	0.10 300.00/hr	30.00
	NPK Review Notice of Appearance of attorney Lee Murray Hall.	0.20 100.00/hr	20.00
10/25/2013	NPK Analyze email message from Jenner & Block inquiring into status of execution of plaintiffs' retainer agreements; Analyze electronic file as to document transmittal history; Address status of plaintiff's retainer agreements with Heather Foster Kittredge.	0.30 100.00/hr	30.00
10/31/2013	HDFK Telephone call with State Bar, District Clerk, Chambers' Clerk re: pro hac vice admission supplement of K. Loewy; Email message to K. Loewy.	0.60 225.00/hr	135.00
FEE TOTAL		81.50	\$17,427.50

CLIENT COSTS

	<u>Qty/Price</u>	
10/1/2013 Filing Fee	3	150.00
Clerk, USDC, SDWV - Pro hac vice admissions for Elizabeth L. Littrell, Karen L. Loewy, and Camilla B. Taylor.	\$50.00	

RE: *Constitutional challenge to West
Virginia same sex marriage ban*

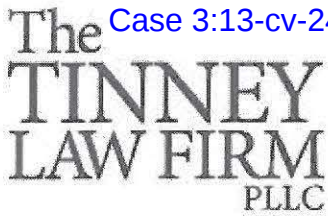
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	<u>Qty/Price</u>	<u>Amount</u>
10/31/2013 Copying cost	684	171.00
Photocopies for October 2013.	\$0.25	
Postage	1	31.64
Postage for October 2013.	\$31.64	
TOTAL CLIENT COSTS		<u>\$352.64</u>
TOTAL THIS INVOICE		<u>\$17,780.14</u>
TOTAL AMOUNT DUE		<u><u>\$17,780.14</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
James K. Tinney	12.20	240.00	\$2,928.00
John H. Tinney, Jr.	23.70	300.00	\$7,110.00
Heather D. Foster Kittredge	22.30	225.00	\$5,017.50
John K. Cecil	0.40	205.00	\$82.00
Nodgie P. Kennedy	22.90	100.00	\$2,290.00

Payment due within 30 days



5 Greenbrier Street
Charleston, WV 25311

304/720-3310 (phone)
304/720-3315 (fax)
FEIN # 55-0785857



November 30, 2014

INVOICE SUBMITTED TO:

Jon Davidson, Esq.
Lambda Legal
3325 Wilshire Blvd., Suite 1300
Los Angeles, CA 90010-1729

RE: ***Constitutional challenge to West Virginia same sex marriage ban***

INVOICE #: 22928

PROFESSIONAL SERVICES

		<u>Hrs/Rate</u>	<u>Amount</u>
11/8/2013	JHTJR Review multiple news articles re: status of West Virginia lawsuit.	1.00 300.00/hr	300.00
11/11/2013	JHTJR Confer with Lambda attorneys re: recent filings.	0.50 300.00/hr	150.00
11/18/2013	NPK Review fully executed Retainer Agreement as to each plaintiff; Document same to file.	0.30 100.00/hr	30.00
11/22/2013	HDFK Review motion by Attorney General to intervene.	0.10 225.00/hr	22.50
	NPK Review State of West Virginia's Motion to Intervene and Integrated Memorandum of Law in Support.	0.30 100.00/hr	30.00
11/25/2013	HDFK Review email message from clerk to Chambers re: motion to intervene of Attorney General; Email messages with plaintiff team re: clerk email message and response to same.	0.30 225.00/hr	67.50

RE: *Constitutional challenge to West Virginia same sex marriage ban*

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		<u>Hrs/Rate</u>	<u>Amount</u>
11/26/2013	JHTJR Brief review of new filings.	0.40 300.00/hr	120.00
	JKT Examine Motion to Dismiss.	1.40 240.00/hr	336.00
	HDFK Email messages with plaintiff team re: teleconference and response to Motion to Dismiss; Analysis of Memo and Motion to Dismiss (abstention).	0.90 225.00/hr	202.50
	NPK Review Defendant Vera McCormick's Motion to Dismiss with exhibits and Memorandum of Law in Support thereof; Analyze email string re: proposed plan of action and conference to discuss further.	0.50 100.00/hr	50.00
11/27/2013	JKT Examine Motion to Dismiss and email questions from counsel.	1.20 240.00/hr	288.00
	HDFK Telephone conference with plaintiff team re: response to Motion to Dismiss.	0.30 225.00/hr	67.50
12/2/2013	JHTJR Review Order allowing State of West Virginia to intervene as defendant; Review scheduling Order.	0.40 300.00/hr	120.00
	JHTJR Confer with counsel re: multiple issues.	0.30 300.00/hr	90.00
	HDFK Email messages re: timing of response to opposition and scheduling order; Analysis of Order and Notice issued by court re: 26(f) scheduling conference, disdome; Analysis of Order granting West Virginia Attorney General motion to intervene.	0.50 225.00/hr	112.50
	NPK Analyze email message re: Court Clerk contact; Review Order granting the State of West Virginia's Motion to Intervene; Review Order and Notice setting dates; Prepare follow-up tasks re: same; Analyze email string re: response to Motion to Dismiss.	0.50 100.00/hr	50.00

RE: *Constitutional challenge to West Virginia same sex marriage ban*

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		<u>Hrs/Rate</u>	<u>Amount</u>
12/3/2013	JKT Examine Motion to Dismiss and discuss with counsel.	1.50 240.00/hr	360.00
	NPK Analyze email string re: strategy and legal research; Investigate prior case research in connection with Younger and Rooker Feldman absention doctrine; Respond to attorney with relevant information.	0.90 100.00/hr	90.00
12/5/2013	JHTJR Confer with Heather Foster Kittredge and others re: scheduling a meeting with counsel re: scheduling.	0.50 300.00/hr	150.00
	HDFK Analysis of local rules re: disclosure; Strategy re: Rule 26(f) meeting, timing, cross-motions; Email messages with plaintiff team.	0.60 225.00/hr	135.00
12/6/2013	JHTJR Work on review of draft opposition to Motion to Dismiss.	1.00 300.00/hr	300.00
	HDFK Email messages with plaintiff team re: availability for 26(f) meeting and response in opposition to Motion to Dismiss; Email messages with all counsel re: Rule 26(f) meeting.	0.40 225.00/hr	90.00
12/9/2013	JHTJR Work on review and comment on final version of response to Motion to Dismiss.	2.00 300.00/hr	600.00
	JKT Examine and discuss Opposition to Motion to Dismiss with counsel.	1.80 240.00/hr	432.00
	HDFK Email messages with all counsel re: location of 26(f) meeting; Email messages with plaintiff team re: analysis of opposition to Motion to Dismiss.	0.80 225.00/hr	180.00
	NPK Analyze email strings re: work on Opposition to McCormick's Motion to Dismiss; Analyze and revise Memorandum of Law in Opposition to Defendant McCormick's Motion to Dismiss to final; Prepare Certificate of Service.	0.60 100.00/hr	60.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
12/10/2013	JHTJR Review final draft of response to Motion to Dismiss.	1.00 300.00/hr	300.00
	HDFK Prepare and file Memorandum in Opposition to McCormick's Motion to Dismiss.	0.50 225.00/hr	112.50
	NPK Analyze draft and conduct Westlaw research and confer with James K. Tinney as to case for attachment as exhibit to memorandum of law; Revise memorandum of law in opposition to Defendant McCormick's Motion to Dismiss; Transmit final to all counsel for approval of filing; File memorandum of law via Court's CM/ECF system; Analyze email messages re: exhibit; Review substitute exhibit; Telephone call with Court Clerk re: amended documents; Transmit new exhibit to Court Clerk; Review notice of revision and documents as filed; Email messages with co-counsel.	1.90 100.00/hr	190.00
12/13/2013	HDFK Strategy for setting deadlines at Rule 26(f) conference.	0.10 225.00/hr	22.50
12/16/2013	JHTJR Confer with counsel for plaintiffs; Participate in Rule 26(f) planning meeting.	2.00 300.00/hr	600.00
	HDFK Email messages with national counsel re: 26(f) meeting; Analysis of change of attorney information by state of West Virginia; Analysis of Cole's Motion to Dismiss and memo; Analysis of state of West Virginia's Motion to Dismiss.	0.60 225.00/hr	135.00
	NPK Review Defendant Karen S. Cole's Motion to Dismiss and Memorandum in Support of Motion to Dismiss; Notice of change of attorney information for the office of West Virginia Attorney General; Prepare notes to file.	0.50 100.00/hr	50.00
12/17/2013	NPK Review State of West Virginia's Motion to Dismiss and Integrated Memorandum of Law in Support; Review Defendant McCormick's Memorandum of Law in Opposition to Defendant McCormick's Motion to Dismiss.	0.50 100.00/hr	50.00

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			<u>Hrs/Rate</u>	<u>Amount</u>
12/18/2013	HDFK	Review email messages from judge's clerk re: scheduling conference.	0.10 225.00/hr	22.50
12/19/2013	JHTJR	Work on drafting proposed planning report and confer with client and counsel re: same.	2.50 300.00/hr	750.00
	HDFK	Analysis, strategy, and preparation re: Rule 26(f) report.	0.50 225.00/hr	112.50
	NPK	Analyze suggested edits received and revise Joint Report of Parties Planning Meeting for final review.	0.40 100.00/hr	40.00
12/20/2013	JHTJR	Work on finalizing and filing of Rule 26(f) report.	2.00 300.00/hr	600.00
	JKT	Examine draft opposition and discuss with counsel.	1.10 240.00/hr	264.00
	HDFK	Analysis and approval of Opposition to Cole's Motion to Dismiss in preparation for filing.	0.40 225.00/hr	90.00
	NPK	Revise Joint Report of Meeting to include defendant signature blocks; Attend to case management and organization; Analyze draft Memorandum of Law in Opposition to Defendant Cole's Motion to Dismiss; Analyze revision to Joint Report of Parties Planning Meeting; File Joint Report of Parties Planning Meeting via Court's CM/ECF system.	1.40 100.00/hr	140.00
12/23/2013	JHTJR	Review and file response in opposition to Cole Motion to Dismiss.	0.80 300.00/hr	240.00
	HDFK	Final preparation of Opposition to Cole's Motion to Dismiss for filing (email messages with counsel).	0.20 225.00/hr	45.00
	NPK	Revise Memorandum of Law in Opposition to Defendant Cole's Motion to Dismiss to final; Prepare Certificate of Service and file memo via CM/ECF system.	0.90 100.00/hr	90.00

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			<u>Hrs/Rate</u>	<u>Amount</u>
12/27/2013	JHTJR	Review email messages from C. Taylor; Review signature pages; Confer with clients.	0.50 300.00/hr	150.00
	HDFK	Email messages re: client verification signature pages.	0.20 225.00/hr	45.00
	NPK	Review signature pages via FedEx from Jane Louise Fenton and Nancy Elizabeth Michael; Review signature pages via FedEx from William Glavaris and Justin Murdock; Review signature pages via hand delivery from Sarah Adkins and Casie McGee.	0.40 100.00/hr	40.00
12/30/2013	JHTJR	Work on finalizing draft briefs and filing of same.	2.50 300.00/hr	750.00
	HDFK	Analysis of rules and strategy re: filing Motion for Summary Judgment and statement of undisputed facts; Analysis of Cole Reply to Opposition to Motion to Dismiss; Email messages with Camilla to file Motion for Summary Judgment today; Telephone conference with Camilla re: filing of Motion for Summary Judgment.	1.20 225.00/hr	270.00
	NPK	Review Reply to Plaintiffs' Memorandum of Law in Opposition of Defendant Cole's Motion to Dismiss; Analyze and revise draft Plaintiffs' Memorandum on Law in Opposition to State of West Virginia's Motion to Dismiss to final; File memorandum via Court's CM/ECF system; Analyze and revise Plaintiffs' Motion for Summary Judgment and the Memorandum in Support of Motion for Summary Judgment; Prepare exhibits to motion; File motion, exhibits and memorandum via Court's CM/ECF system.	3.30 100.00/hr	330.00
12/31/2013	JHTJR	Work on review of additional exhibits to file with memo in opposition.	0.40 300.00/hr	120.00
	NPK	Analyze Memorandum of Law in Opposition to State's Motion to Dismiss and to missing exhibits; Telephone call with court clerks in Charleston and Huntington to discuss amending to add declarations; Review notice of change to	1.90 100.00/hr	190.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
	filing; Confer with co-counsel re: additional exhibits to Motion for Summary Judgment; Analyze legislative history, opinions and draft Declaration for John H. Tinney, Jr.; Revise Declaration and prepare exhibits; File same via Court's CM/ECF system.		
1/2/2014	JHTJR Review notice of supplemental authority.	0.30 300.00/hr	90.00
	HDFK Strategy and preparation re: filing notice of supplemental authority.	0.20 225.00/hr	45.00
1/3/2014	JHTJR Review defendant's petition to strike.	0.20 300.00/hr	60.00
	HDFK Analysis of McCormick motion to strike and memo in support.	0.30 225.00/hr	67.50
	NPK Analyze and produce supplemental authority for filing in connection with oppositions to Motion to Dismiss; Review Notice of Supplemental Authority in Opposition to Motion to Dismiss and Certificate of Service to final; Prepare exhibits; File Notice and exhibits via court's CM/ECF system; Review Defendants' Joint Motion to Strike Notice of Supplemental Authority and Memorandum of Law in Support.	1.20 100.00/hr	120.00
1/4/2014	JHTJR Confer with counsel re: hearing before Judge Chambers.	0.30 300.00/hr	90.00
	HDFK Email messages with plaintiff team in preparation for scheduling conference on 1/6/14.	0.30 225.00/hr	67.50
1/6/2014	JHTJR Work on review and filing of response to motion to strike; Review pending motions and memoranda; Confer with counsel re: hearing; Travel to Huntington, West Virginia; Participate in scheduling hearing before Judge Chambers; Additional conference with counsel; Return travel to Charleston, West Virginia.	6.50 300.00/hr	1,950.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
1/6/2014	HDFK Travel to scheduling conference; Meeting with L. Harrison, co-counsel, in preparation; Attend scheduling conference; Return travel; Telephone conference re: conference with co-counsel; Strategy re: filing reply to motion to strike additional authority.	6.50 225.00/hr	1,462.50
	NPK Analyze email strings and proposed draft response to defendants' joint motion to strike supplemental authority, hearing and conference call; Review as-filed copy of Plaintiffs' reply in opposition to motion to strike defendants McCormick and Cole.	0.30 100.00/hr	30.00
1/9/2014	HDFK Review District Court report of scheduling conference.	0.10 225.00/hr	22.50
	HDFK Review and analyze reply by state of West Virginia to memorandum in opposition.	0.20 225.00/hr	45.00
	NPK Review District Judge Daybook Entry from 1/6/14's scheduling conference.	0.10 100.00/hr	10.00
1/10/2014	NPK Review Reply in Support of State of West Virginia's Motion to Dismiss; Review Order holding Plaintiffs' Motion for Summary Judgment in abeyance pending issuance of Scheduling Order.	0.30 100.00/hr	30.00
1/13/2014	HDFK Analysis of Cole and McCormick reply to opposition to motion to strike.	0.20 225.00/hr	45.00
	NPK Review Reply to Plaintiffs' Reply in Opposition to Motion to Strike.	0.20 100.00/hr	20.00
1/14/2014	JHTJR Brief review of email messages and opinion from federal district court overturning Oklahoma same sex marriage ban.	0.50 300.00/hr	150.00
	HDFK Email messages re: strategy on pleading filed as re: Defendant's Reply to Opposition to Motion to Strike.	0.20 225.00/hr	45.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
1/16/2014	JHTJR Review recent news articles re: marriage cases.	0.30 300.00/hr	90.00
1/17/2014	JHTJR Review Order from Judge Chambers; Review recent news articles.	0.40 300.00/hr	120.00
	HDFK Review Order re: defendants joint motion to stay briefing on plaintiff Motion for Summary Judgment.	0.10 225.00/hr	22.50
	NPK Review Order staying the deadline for responses to Plaintiffs' Motion for Summary Judgment.	0.10 100.00/hr	10.00
1/21/2014	JHTJR Review multiple email messages from counsel for all parties re: various scheduling issues and deadlines.	1.00 300.00/hr	300.00
	HDFK Email messages with trial team re: Elbert Lin request for extension on Rule 26 disclosures.	0.40 225.00/hr	90.00
1/22/2014	JHTJR Review multiple email messages re: scheduling and deadlines.	0.50 300.00/hr	150.00
	HDFK Email messages re: extension requested by Attorney General.	0.20 225.00/hr	45.00
1/24/2014	JHTJR Review email messages from counsel and review State's motion to extend deadlines.	0.50 300.00/hr	150.00
	HDFK Email messages with trial team re: motions briefings schedule and analysis of Attorney General motion to amend deadline to respond to plaintiff's Motion for Summary Judgment.	0.30 225.00/hr	67.50
	NPK Review Defendant Intervenor's Motion to Amend the Deadline to Respond to Plaintiffs' Motion for Summary Judgment.	0.20 100.00/hr	20.00
1/27/2014	JHTJR Work on review of multiple email messages and draft documents.	1.00 300.00/hr	300.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
1/27/2014	HDFK Strategy and analysis of response in partial opposition to Motion to Amend Deadline to Respond to Plaintiffs Motion for Summary Judgment; Analysis of West Virginia Reply supporting motion to amend deadline to respond to Motion for Summary Judgment.	0.40 225.00/hr	90.00
	NPK Review and file Plaintiffs' Partial Opposition to Defendant Intervenor's Motion to Amend the Deadline to Respond to Plaintiffs' Motion for Summary Judgment via Court's CM/ECF system; Review state of West Virginia's reply support its motion to amend the deadline to respond to plaintiff's Motion for Summary Judgment.	0.70 100.00/hr	70.00
1/29/2014	JHTJR Review memorandum opinion and confer with counsel re: same.	1.00 300.00/hr	300.00
	HDFK Analysis of Memorandum Opinion and Order; Strategy re: same.	0.80 225.00/hr	180.00
	NPK Review Memorandum Opinion and Order.	0.20 100.00/hr	20.00
1/30/2014	HDFK Email messages re: strategy, Burford.	0.10 225.00/hr	22.50
	NPK Prepare follow-up tasks pursuant to deadlines set for in Memorandum Opinion and Order; Analyze and document to file newspaper article re: Judge's decision.	0.30 100.00/hr	30.00
2/4/2014	JHTJR Confer with West Virginia Attorney General's office re: exceeding page limitations.	0.50 300.00/hr	150.00
	HDFK Email messages with plaintiff's team re: page limitations.	0.10 225.00/hr	22.50
	NPK Analyze WSAZ article on Anti-Gay Discrimination Bill introduced and note to file.	0.20 100.00/hr	20.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
2/5/2014	HDFK Analysis of Motion to Exceed Page Limits.	0.10 225.00/hr	22.50
	NPK Review State of West Virginia's Unopposed Motion to Extend the Page Limit for Its Initial Summary Judgment filing.	0.10 100.00/hr	10.00
2/6/2014	JHTJR Review unopposed motion and Order re: same; Review memo re: possible amendment and draft brief.	1.40 300.00/hr	420.00
	HDFK Review Order granting motion to exceed page limits; Analysis of Memo and Brief re: Burford and amending complaint; Email messages with plaintiff's team re: memo/brief.	0.60 225.00/hr	135.00
	NPK Review Order granting State's motion to exceed page limits.	0.10 100.00/hr	10.00
2/7/2014	JHTJR Review draft memoranda and confer with counsel on multiple issues.	2.00 300.00/hr	600.00
	HDFK Email messages with plaintiff team re: teleconference to discuss memo and brief on abstention, amending complaint.	0.10 225.00/hr	22.50
2/10/2014	HDFK Telephone conference with plaintiff team re: memo/brief re: abstention, amending complaint; Email messages with plaintiff team re: teleconference; Review Cole/McCormick joint motion to exceed page limits.	0.40 225.00/hr	90.00
	NPK Review Joint Motion of Defendants Cole and McCormick to Extend the Page Limits on Their Response to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment.	0.10 100.00/hr	10.00
2/11/2014	JHTJR Work on review of memo and brief; Review Order re: Joint Motion to Extend.	1.10 300.00/hr	330.00
	NPK Analyze Charleston Gazette article on legislature and copy to file; Confer with Heather Foster Kittredge re: clients' and co-counsel's strategy and filing; Review Order granting	0.40 100.00/hr	40.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
	Defendants' Cole and McCormick Joint Motion to Exceed Page Limit.		
2/12/2014	JHTJR Work on review of Burford II draft briefing; Work on review of defendant's motion for Summary Judgment.	2.00 300.00/hr	600.00
	HDFK Email messages and strategy with plaintiff team.	0.30 225.00/hr	67.50
	NPK Analyze and revise to final the Memorandum of Law in Response to Court's Order of 1/29/14; Prepare Certificate of Service and file same via Court' CM/ECF system.	0.90 100.00/hr	90.00
2/13/2014	JHTJR Work on dispositive motion briefing.	2.50 300.00/hr	750.00
	HDFK Telephone conference with plaintiff team re: conversation with Lee Hall.	0.40 225.00/hr	90.00
	NPK Review Joint Motion for Summary Judgment of Cole and McCormick; Review Joint Memorandum in Support and in Opposition to Plaintiffs' Motion for Summary Judgment; Review Notice of Change of Attorney information; Prepare notes to file and contact information; Review West Virginia's Answer to Plaintiffs' Complaint for Declaratory and Injunctive Relief; Review West Virginia's Cross Motion for Summary Judgment, Opposition to Plaintiffs' Motion for Summary Judgment and Indexed Exhibits; Review West Virginia's Memorandum Supporting its Cross Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment.	1.30 100.00/hr	130.00
2/14/2014	JHTJR Review opinion and confer with counsel; Review proposed amicus filing by Family Policy Council.	1.60 300.00/hr	480.00
	NPK Review Motion for Leave to File Brief, and The Family Policy Council of West Virginia's Amicus Curiae Brief in Support of Defendant-Intervenor's Motion for Summary Judgment.	0.50 100.00/hr	50.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
2/18/2014	JHTJR Confer with counsel re: multiple briefing issues.	0.50 300.00/hr	150.00
	HDFK Email messages with plaintiff team re: motion to court to combine reply/opposition to cross-motions; Telephone conference with E. Lin re: combining reply/opposition; Telephone conference with Lee Hall re: combining reply/opposition; Prepare Motion re: reply/opposition to cross-motions.	1.40 225.00/hr	315.00
	NPK Confer with Heather Foster Kittredge re: local federal rules; Analyze West Virginia Code and respond to inquiry.	0.30 100.00/hr	30.00
2/19/2014	JHTJR Review draft motion to exceed page limits and extend deadlines; Revise draft motion.	0.50 300.00/hr	150.00
	HDFK Telephone conference with C. Bailey re: combine reply/opposition to cross-motions.	0.10 225.00/hr	22.50
	NPK Revise Plaintiffs' Unopposed Motion to Consolidate Reply Memoranda and to Extend the Page Limitation and Filing Deadline to final; Prepare Certificate of Service, file motion via Court's CM/ECF system; Review West Virginia's Motion to Dismiss for Lack of Subject-Matter Jurisdiction Due to Failure to Join the Proper Defendants; Review West Virginia's Opposition to Plaintiffs' 2/12 Memorandum of Law and Memorandum in Support of its Motion to Dismiss for Lack of Subject-Matter Jurisdiction; Review Joint Response of Defendants Cole and McCormick to Plaintiffs' Memorandum of Law in Response to Court's Order of 1/29/14; Confer with Heather Foster Kittredge re: opposing counsel Lee Hall; Draft email message to attorney Hall on behalf of Heather Foster Kittredge re: extension of time to file responsive pleading; Note to file.	1.70 100.00/hr	170.00
2/20/2014	JKT Examine recent filings.	1.10 240.00/hr	264.00

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Virginia same sex marriage ban*

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		<u>Hrs/Rate</u>	<u>Amount</u>
2/20/2014	NPK Review Order granting Plaintiffs' motion to consolidate reply memoranda.	0.10 100.00/hr	10.00
2/24/2014	JHTJR Work on review of final draft and filing of same.	2.00 300.00/hr	600.00
	NPK Analyze and revise Plaintiffs' Reply Memorandum Responding to the Court's Order of 1/29/14 and Opposition to the State's Motion to Dismiss to final; Prepare Certificate of Service; File via Court's CM/ECF system.	0.70 100.00/hr	70.00
2/25/2014	JHTJR Work on review and comment to combined Summary Judgment brief.	1.50 300.00/hr	450.00
	NPK Analyze and document to file the as-filed Plaintiffs' Reply in Support of Motion for Summary Judgment and Opposition to Defendants' Cross-Motions for Summary Judgment.	0.40 100.00/hr	40.00
2/26/2014	NPK Work on case management and organization; Telephone call with J. Warren, Attorney General's office, requesting extension of time; Transmit message to attorney for response and follow-up.	1.20 100.00/hr	120.00
2/28/2014	NPK Review Defendants and Defendant-Intervenor's Unopposed Joint Motion to Amend the Deadline to Reply to Plaintiffs' Opposition to Defendants' Cross-Motions for Summary Judgment.	0.30 100.00/hr	30.00
3/3/2014	JHTJR Review Order granting motion for extension of time to file reply; Review petition for leave to file supplemental authority.	0.50 300.00/hr	150.00
3/4/2014	NPK Review Order granting Defendants' Joint Motion to Amend the Deadline to Reply; Review State of West Virginia's Reply Supporting its Motion to Dismiss for Lack of Subject-Matter Jurisdiction; Review Plaintiffs' Unopposed Motion to Submit Notice of Supplemental Authority, Plaintiffs' Notice of Supplemental Authority with Exhibit A, <u>DeLeon v. Perry</u> ; Review Order granting	0.60 100.00/hr	60.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
	Plaintiffs' Unopposed Motion; Review Plaintiffs' Notice of Supplemental Authority with Exhibit A entered by Clerk.		
3/9/2014	JHTJR Review recent press articles re: marriage.	0.40 300.00/hr	120.00
3/12/2014	JHTJR Confer with counsel for state and co-counsel re: request to exceed all briefing limitations.	0.50 300.00/hr	150.00
	NPK Attend to case management and organization.	0.50 100.00/hr	50.00
3/13/2014	NPK Review Order granting Family Policy Council of West Virginia leave to file and amicus curiae brief; Prepare follow-up task as to response.	0.10 100.00/hr	10.00
3/17/2014	HDFK TN cases - Email messages with defense counsel re: notice of supp. authority; Strategy re: supp. authority.	0.70 225.00/hr	157.50
	NPK Review Defendants and Defendant-Intervenor's Joint Reply Supporting their Motions for Summary Judgment; Review Reply (Cole and McCormick) to Plaintiffs' Combined Opposition to Defendants' Cross-Motions for Summary Judgment ; Review Plaintiffs' Second Notice of Supplemental Authority with attachment.	0.80 100.00/hr	80.00
3/21/2014	HDFK Email messages with C. Taylor re: future notices of supp. authority.	0.20 225.00/hr	45.00
3/24/2014	NPK Review as filed Plaintiffs' Unopposed Motion to Submit Third Notice of Supplemental Authority, Plaintiffs' Third Notice of Supplemental Authority with accompanying <u>Deboer v. Snyder</u> .	0.30 100.00/hr	30.00
3/25/2014	JHTJR Review third notice of supplemental authority and Order granting motion to file same.	0.50 300.00/hr	150.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
3/25/2014	HDFK Review order from court re: third notice of supplemental authority and entry of notice of supplemental authority.	0.10 225.00/hr	22.50
3/26/2014	JHTJR Review Wolf opinion and confer with counsel re: forth notice of supplemental authority.	1.00 300.00/hr	300.00
	JKT Examine issues related to abstention doctrines.	0.60 240.00/hr	144.00
	HDFK Email messages with plaintiff team re: abstention authority.	0.20 225.00/hr	45.00
3/27/2014	JHTJR Review fourth notice of supplemental authority and order granting same.	0.30 300.00/hr	90.00
4/1/2014	HDFK Review Order granting fourth notice of supplemental authority and notice as filed.	0.20 225.00/hr	45.00
4/5/2014	HDFK Email messages re: West Virginia Attorney General amicus brief in Bostic; Analysis of amicus brief.	0.30 225.00/hr	67.50
4/6/2014	JHTJR Review email messages from counsel re: amicus briefs in Bostic appeal.	0.30 300.00/hr	90.00
	HDFK Email messages re: Chambers/Bostic.	0.10 225.00/hr	22.50
4/14/2014	JHTJR Confer with counsel re: filing of supplemental notice of authority.	0.20 300.00/hr	60.00
	HDFK Email messages re: notice of supplemental authority.	0.20 225.00/hr	45.00
4/15/2014	JHTJR Review filing.	0.20 300.00/hr	60.00
	HDFK Email messages with plaintiff team re: consent to West Virginia Attorney General filing notice of supplemental authority.	0.30 225.00/hr	67.50

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		<u>Hrs/Rate</u>	<u>Amount</u>
4/15/2014	NPK Review Plaintiffs' Unopposed Motion to Submit Fifth Notice of Supplemental Authority with the attached Plaintiffs' Fifth Notice of Supplemental Authority and Exhibit A (<i>Henry v. Himes</i>); Review State of West Virginia's Unopposed Motion to Submit Notice of Supplemental Authority with the attached State of West Virginia's Notice of Supplemental Authority and Exhibit A (<i>Common Cause, et al. v. Biden, Jr.</i>)	0.40 100.00/hr	40.00
4/16/2014	JHTJR Review Court's Order and supplemental filing.	0.20 300.00/hr	60.00
	HDFK Review orders granting West Virginia Attorney General to file notice of supplemental authority, Plaintiff to file notice of supplemental authority and notices.	0.20 225.00/hr	45.00
	NPK Work on case management and organization; Review Order granting Plaintiffs' unopposed motion to submit fifth notice of supplemental authority; Review Order granting Plaintiffs' unopposed motion to submit fifth notice of supplemental authority; Review Order granting State's unopposed motion to submit notice of supplemental authority; Review as entered Plaintiffs' Fifth Notice of Supplemental Authority with exhibit; Review as entered State's Notice of Supplemental Authority with exhibit.	0.70 100.00/hr	70.00
4/25/2014	HDFK Review motion to file supplemental authority of Plaintiff.	0.10 225.00/hr	22.50
	NPK Review Plaintiffs' Motion to Submit Sixth Notice of Supplemental Authority with Plaintiffs' Sixth Notice of Supplemental Authority attaching <i>Baskin v. Bogan</i> .	0.10 100.00/hr	10.00
4/28/2014	JHTJR Review filings and orders.	0.30 300.00/hr	90.00
	HDFK Review order granting plaintiff to file notice of supplemental authority and notice.	0.10 225.00/hr	22.50

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		<u>Hrs/Rate</u>	<u>Amount</u>
4/28/2014	NPK Review Order granting Plaintiffs' Motion to Submit Notice of Sixth Supplemental Authority; Review Plaintiffs' Notice of Sixth Supplemental Authority.	0.20 100.00/hr	20.00
5/9/2014	JHTJR Review news articles re: Fourth Circuit argument re: VA marriage case.	0.30 300.00/hr	90.00
5/16/2014	JHTJR Review recent court decisions and review petition to file supplemental authority.	1.00 300.00/hr	300.00
	HDFK Review and analyze response to defendant Cole in support of plaintiff's motion to file notice of supplemental authority.	0.10 225.00/hr	22.50
	NPK Review as-filed Plaintiffs' Motion to Submit Seventh Notice of Supplemental Authority with exhibit (77 pages); Review Defendant Cole's Consent to Plaintiffs' Motion for Leave to File Supplemental Authority.	0.40 100.00/hr	40.00
5/20/2014	JHTJR Work on review of PA strike of marriage laws.	1.00 300.00/hr	300.00
	HDFK Review Order and Notice re: seventh supplemental notice of authority.	0.20 225.00/hr	45.00
	NPK Review Order granting plaintiffs' motion to submit seventh notice of supplemental authority; Review entry of Plaintiffs' seventh notice of supplemental authority.	0.20 100.00/hr	20.00
5/23/2014	JHTJR Work on review of additional supplemental authority.	1.00 300.00/hr	300.00
	HDFK Review plaintiff's motion re: notice of supplemental authority.	0.10 225.00/hr	22.50
	HDFK Review Order and Eighth Notice of Supplemental Authority.	0.20 225.00/hr	45.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
5/23/2014 NPK	Review Plaintiffs' Motion to Submit Notice of Eighth Supplemental Authority with proposed Plaintiffs' Notice of Eighth Supplemental Authority and Exhibits A and B.	0.30 100.00/hr	30.00
5/27/2014 NPK	Review Order granting Plaintiff's Motion to Submit Eighth Notice of Supplemental Authority; Review entry of Plaintiff's Eighth Notice of Supplemental Authority with exhibit.	0.20 100.00/hr	20.00
6/3/2014 JHTJR	Confer with Assistant West Virginia Attorney General re: proposal.	0.50 300.00/hr	150.00
6/4/2014 JHTJR	Confer with West Virginia Attorney General; Confer with national counsel.	0.40 300.00/hr	120.00
HDFK	Analyze request by Attorney General to put jurisdiction issues before court immediately.	0.40 225.00/hr	90.00
6/10/2014 JHTJR	Review Order staying case until Fourth Circuit issues opinion.	0.20 300.00/hr	60.00
HDFK	Analysis of Order staying case.	0.10 225.00/hr	22.50
HDFK	Consideration of supplementation of two (2) new recent cases.	0.10 225.00/hr	22.50
NPK	Review Order staying civil case pending Fourth Circuit decision in related case.	0.10 100.00/hr	10.00
7/25/2014 NPK	Telephone call with Chair of Fairness West Virginia; Status attorneys; Telephone call with Heather Foster Kittredge; Forward information to Lambda Legal representatives and analyze response.	0.60 100.00/hr	60.00
7/29/2014 JKT	Correspondence and examine pleadings related to continuing stay pending appeal.	0.40 240.00/hr	96.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/29/2014	NPK Review State of West Virginia's Motion to Continue Merits Stay and to Calendar Oral Argument on Threshold Issues.	0.20 100.00/hr	20.00
7/30/2014	JKT Examine correspondence related to Fourth Circuit ruling.	0.70 240.00/hr	168.00
	NPK Analyze Plaintiffs' Opposition to Intervenor-Defendant State of West Virginia's Motion to Continue Merits Stay and Cross-Motion to Lift Stay and Enter Judgment; File same via Court's CM/ECF system; Transmit as filed document to co-counsel.	0.40 100.00/hr	40.00
7/31/2014	NPK Review State of West Virginia's Opposition to Plaintiffs' Cross-Motion to Lift Stay and Enter Judgment; Analyze various articles on case and document same to file.	0.60 100.00/hr	60.00
9/15/2014	NPK Review Plaintiffs' Motion to Submit Ninth Notice of Supplemental Authority attaching Plaintiffs' Ninth Notice of Supplemental Authority and Exhibits A-D.	0.30 100.00/hr	30.00
9/16/2014	NPK Review Order granting motion to submit Ninth Notice of Supplemental Authority and staying case pending Supreme Court decision.	0.10 100.00/hr	10.00
9/18/2014	NPK Document Charleston Gazette article to file.	0.10 100.00/hr	10.00
10/6/2014	JHTJR Work on review and comment on motion for ruling on Summary Judgment motion; Confer with national counsel re: various issues.	2.00 300.00/hr	600.00
	HDFK Consideration and analysis re: requesting court to lift stay, enter judgment.	0.20 225.00/hr	45.00
	NPK Analyze email string re: State Attorney General's plan; Review and revise to final the proposed Motion to Lift Stay and Enter Judgment, prepare Certificate of Service and file via Court's CM/ECF system; Analyze email message with co-counsel regarding and make revisions to	1.00 100.00/hr	100.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
	motion and certificate; File Amended Motion to Lift Stay and Enter Judgment via Court's CM/ECF system.		
10/7/2014	JKT Discuss Supreme Court developments and Attorney General developments.	0.80 240.00/hr	192.00
	JHTJR Confer with national counsel re: multiple issues related to West Virginia's decision to discontinue defending the unconstitutional ban on same sex marriage.	2.00 300.00/hr	600.00
	HDFK Analysis of certified denials, impact on West Virginia equality case.	0.90 225.00/hr	202.50
	NPK Analyze email string re: contact with Attorney General's office, proposed judgment and various issues re: same; Review Order lifting stay and setting briefing deadlines; Prepare follow-up tasks.	0.60 100.00/hr	60.00
10/8/2014	JHTJR Confer with national counsel re: negotiations re: Summary Judgment motions.	0.40 300.00/hr	120.00
	HDFK Analysis of cert. denials and Attorney General's representations re: such.	0.30 225.00/hr	67.50
	NPK Analyze email string re: continued negotiations toward a stipulated judgment, theories re: same and binding issues.	0.30 100.00/hr	30.00
10/9/2014	JHTJR Work on resolution and confer with counsel re: West Virginia Attorney General's decision to stop defending unconstitutional marriage ban.	2.00 300.00/hr	600.00
	NPK Analyze email string re: Attorney General's offer of settlement; Analyze press re: lifting ban on same-sex marriage.	0.90 100.00/hr	90.00
10/10/2014	JKT Examine news coverage and correspondence re: Attorney General's change in position as it relates to the case.	2.80 240.00/hr	672.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/10/2014	NPK Confer with attorneys re: press coverage and citizen feedback.	0.50 100.00/hr	50.00
10/16/2014	JHTJR Confer with counsel re: dismissal discussions with the State.	1.00 300.00/hr	300.00
10/20/2014	JHTJR Review response in opposition to Motion for Summary Judgment.	1.00 300.00/hr	300.00
	HDFK Analysis of response of West Virginia Attorney General and joinder by McCormick to Plaintiff motion to lift stay and enter judgment.	0.40 225.00/hr	90.00
	NPK Review State of West Virginia's response to Plaintiff's Amended Motion to Lift Stay and Enter Judgment; Review Defendant McCormick's Joinder in State of West Virginia's response to Plaintiff's Amended Motion to Lift Stay and Enter Judgment.	0.40 100.00/hr	40.00
10/21/2014	JHTJR Review recent filings and confer with national counsel re: potential resolution strategies.	1.00 300.00/hr	300.00
	HDFK Analysis re: Attorney General stance re: cert. denials on West Virginia equality case.	0.70 225.00/hr	157.50
	HDFK Analysis of Cole response to Plaintiff motion to lift stay and enter judgment.	0.20 225.00/hr	45.00
	NPK Review Defendant Karen Cole's response to Plaintiff's Amended Motion to Lift Stay and Enter Judgment.	0.20 100.00/hr	20.00
10/22/2014	JHTJR Confer with counsel re: resolution and potential for petition for fees and costs.	1.00 300.00/hr	300.00
	HDFK Analysis of West Virginia Attorney General stance on cert. denials and impact on West Virginia case.	0.20 225.00/hr	45.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/22/2014	NPK Review Defendant McCormick's Joinder in Defendant Karen Cole's Response to Plaintiff's Amended Motion to Lift Stay and Enter Judgment.	0.20 100.00/hr	20.00
10/23/2014	JHTJR Review response to Motion to Stay and confer with counsel re: same.	1.00 300.00/hr	300.00
	NPK Review Plaintiffs' Reply Memorandum in Support of Amended Motion to Lift Stay and Enter Judgment.	0.20 100.00/hr	20.00
11/7/2014	JHTJR Review memorandum opinion and order and judgment order granting plaintiffs' Motion for Summary Judgment and finding the marriage ban unconstitutional and confer with counsel re: same.	2.00 300.00/hr	600.00
	HDFK Analysis of Order granting Plaintiff's Summary Judgment; Review Judgment Order.	0.70 225.00/hr	157.50
11/14/2014	JHTJR Confer with attorneys re: motion to extend deadline for fee petition.	0.60 300.00/hr	180.00
	HDFK Analysis of filing motion to extend time to file fee petition.	0.20 225.00/hr	45.00
11/18/2014	JHTJR Review Amended Motion to Extend Deadline; Review Order.	0.50 300.00/hr	150.00
11/26/2014	HDFK Prepare for fee petition filing.	0.50 225.00/hr	112.50
	FEE TOTAL	150.00	\$34,428.50

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Virginia same sex marriage ban*

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CLIENT COSTS

	<u>Qty/Price</u>	<u>Amount</u>
11/30/2013 Copying cost Photocopies for November 2013.	35 \$0.25	8.75
12/31/2013 Copying cost Photocopies for December 2013.	456 \$0.25	114.00
1/31/2014 Copying cost Photocopies for January 2014.	233 \$0.25	58.25
Postage Postage for January 2014.	1 \$0.46	0.46
2/28/2014 Copying cost Photocopies for February 2014.	606 \$0.25	151.50
3/31/2014 Copying cost Photocopies for March 2014.	250 \$0.25	62.50
4/30/2014 Copying cost Photocopies for April 2014.	120 \$0.25	30.00
6/30/2014 Copying cost Photocopies for June 2014.	180 \$0.25	45.00
7/31/2014 Copying cost Photocopies for July 2014.	79 \$0.25	19.75
9/30/2014 Copying cost Photocopies for September 2014.	137 \$0.25	34.25
10/31/2014 Copying cost Photocopies for October 2014.	40 \$0.25	10.00
11/30/2014 Copying cost Photocopies for November 2014.	37 \$0.25	9.25

RE: *Constitutional challenge to West
Virginia same sex marriage ban*

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	<u>Amount</u>
TOTAL CLIENT COSTS	\$543.71
TOTAL THIS INVOICE	\$34,972.21
PREVIOUS BALANCE	\$17,780.14

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
James K. Tinney	13.40	240.00	\$3,216.00
John H. Tinney, Jr.	69.20	300.00	\$20,760.00
Heather D. Foster Kittredge	29.70	225.00	\$6,682.50
Nodgie P. Kennedy	37.70	100.00	\$3,770.00

Payment due within 30 days

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>
34,972.21	0.00	0.00	0.00	352.64